

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

UNITED STATES OF AMERICA,	:	CASE NO: 1:19CR247
	:	
Plaintiff,	:	
	:	JUDGE SOLOMON OLIVER, JR.
vs.	:	
	:	
CARLOS DASHAWN BROWN,	:	<u>CARLOS BROWN'S RESPONSE IN</u>
	:	<u>OPPOSITION TO MOTION TO</u>
	:	<u>DETERMINE COMPETENCY</u>
Defendant.	:	

Carlos Brown struggles with mental-health problems. The government's motion points to evidence of that, which is undisputed.

But that is not the standard for forcing a defendant to undergo a competency evaluation. A court may do that only if there is reasonable cause to believe that a defendant's mental-health problems make him "unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense." 18 U.S.C. § 4241(a). The government does not point to any evidence suggesting that Mr. Brown is unable to understand the nature and consequences of the proceedings against him or assist properly in his defense, and there is none. Mr. Brown has attended each hearing and demonstrated that he understands those proceedings. He has been able to communicate with counsel about the charges and proceedings and assist in preparing his defense. There is no basis to believe that he is incompetent, and under section 4241, the Court therefore should not order him to undergo a competency evaluation.

Respectfully submitted,

STEPHEN C. NEWMAN
Federal Public Defender
Ohio Bar: 0051928

/s/Darin Thompson

DARIN THOMPSON

Assistant Federal Public Defender

Ohio Bar: 0067093

1660 West Second Street, Suite 750

Cleveland, Ohio 44113

(216) 522-4856 Fax: (216) 522-4321

e-mail address: darin_thompson@fd.org